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Thirtieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to resolution 1856 (2008), by which the Security Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 31 December 2009 and requested me to report every three months on the situation in the Democratic Republic of the Congo. The report covers developments in that country since my report of 18 September 2009 (S/2009/472) until 25 November 2009.

II. Major developments

2. The overall situation in the east, especially in the Kivus and in parts of Orientale province, remained fragile during the reporting period. Military operations conducted by the Forces armées de la République démocratique du Congo (FARDC) in eastern Democratic Republic of the Congo, with the support of MONUC, continued to dislodge foreign and residual Congolese armed groups from their strongholds and enabled the Government to extend its control into previously inaccessible areas, including a number of important economic zones. MONUC also supported efforts to extend State authority, including through the deployment of national police elements to areas from which the Forces démocratiques de libération du Rwanda (FDLR) had been dislodged. Despite the enhanced and innovative measures taken by MONUC to protect civilians, the operations also took a heavy toll on civilians, who were displaced and subjected to reprisal attacks by retreating armed groups. Furthermore, the actions of undisciplined and recently integrated FARDC elements seeking to settle old ethnic scores resulted in serious violations of international humanitarian law, including killings of civilians. MONUC developed a policy paper setting out the conditions under which it could provide support to FARDC units, which was transmitted to the Government of the Democratic Republic of the Congo. On 1 November, MONUC suspended its logistical support for one FARDC unit suspected of having committed major human rights violations for which there was credible evidence. During the period, MONUC and FARDC developed a new joint operational directive, under which the military operations against FDLR are expected to move into a new phase, as described in paragraph 11.

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None of the challenges that have prevented the holding of local elections has been resolved, and a date for the elections has yet to be announced.

North and South Kivu

3. The Kimia II operations led by FARDC against FDLR gained momentum during the reporting period. In North Kivu, FARDC concentrated on dislodging FDLR from mining areas under its control in Walikale and southern Lubero territories. In South Kivu, the Kimia II operations progressively moved south towards Fizi territory.

4. In response to the Kimia II operations, FDLR conducted a series of reprisal attacks against the population as well as ambushes against FARDC positions, including in the Pinga, Rwindi, Kashebere and Kikuku areas of North Kivu and near Hombo and Luliba, in South Kivu. FDLR also continued to resort to banditry, kidnapping and hit-and-run attacks, often looking for food and medicine. Patterns suggested that FDLR was retaliating more brutally against civilians in areas where they had lost local business partners or where their protection rackets had come to an end.

5. The role played by MONUC in Kimia II continued to be focused on assisting FARDC with planning and on providing logistical support, including tactical helicopter lift, medical evacuation, fuel and rations. On a few occasions, the Mission also provided fire support to FARDC operations when deemed essential by MONUC commanders. In this regard, MONUC's support was critical in preventing FDLR from reoccupying some of the areas vacated as a result of the joint operations between FARDC and the Rwandan Defence Forces earlier in the year. Out of the approximately 60,000 FARDC troops deployed in the Kivus, only 16,000 earmarked for the joint operations — 8,000 each in North and South Kivu — benefited from MONUC support.

6. As a result of Kimia II, FDLR was dislodged from strongholds in Lubero, from its military and political headquarters in Masisi and from trading places in Nyabiondo and the surrounding area. It was also pushed back from areas where it had been illegally collecting taxes, including along the Bukavu-Walikale road, and from gold mining areas such as Kamituga. In North Kivu, the leadership of FDLR-Forces combattantes Abacunguzi was pushed back to remote areas north and west of Masisi, in Walikale territory, while the FDLR-Rally for Unity and Democracy faction took refuge in less-populated areas west of Lubero. Smaller groups remained active throughout the two provinces, and some fled into Maniema and Orientale provinces. Large spillover into Katanga was, however, prevented by FARDC forces stationed in the north of the province for that purpose. FARDC controlled all territorial capitals and all major population centres in the Kivus. Four hundred FDLR elements were reportedly killed in the operations.

7. Kimia II, alongside expanded MONUC sensitization operations, including in former FDLR strongholds, also created additional opportunities for individuals to break away from the group. Since my previous report, 412 ex-FDLR combatants and 464 dependants have been voluntarily disarmed and repatriated to Rwanda by MONUC, bringing the total since the beginning of the year to 1,378 combatants and 1,940 dependants. The United Nations High Commissioner for Refugees reported having repatriated to Rwanda 13,174 civilians, a number of whom alleged that they had been held hostage by FDLR. On 6 October, Idelphonse Nizeyimana, an indictee

of the International Criminal Tribunal for Rwanda, was arrested in Uganda and transferred to the Tribunal. On 17 November, in a major step forward in severing links with the leadership of the group, the German Federal Police arrested Ignace Murwanashyaka, President of FDLR, and his deputy Straton Musoni in Germany on charges of membership in a foreign terrorist organization and for war crimes and crimes against humanity committed in eastern Democratic Republic of the Congo.

8. Notwithstanding those positive developments, Kimia II also encountered major challenges. The humanitarian situation deteriorated during the reporting period as a result of the human rights violations committed by FDLR and FARDC elements. More than 1.25 million people are currently displaced or re-displaced in the Kivus, including some 675,000 in North Kivu and more than 580,000 in South Kivu. However, since the beginning of the year, nearly 500,000 internally displaced persons in North Kivu have returned to their areas of origin, largely as a result of improved security in Masisi and Rutshuru territories, with 40,000 in South Kivu having returned. In addition, tensions related primarily to land and ethnic issues have emerged in Masisi, Walikale and Rutshuru territories owing to the cross-border movement of an estimated 11,000 or more people from Rwanda into the Democratic Republic of the Congo.

9. In addition to MONUC, a number of international non-governmental organizations reported alleged or confirmed massacres and gross human rights violations committed by elements of FARDC against civilian populations. As a result of those egregious violations, human rights organizations and some components of the United Nations system called for an immediate end to Kimia II and for the withdrawal of MONUC support for FARDC. They expressed the view that, under the circumstances, the support provided by MONUC to Kimia II could not be reconciled with the Mission's mandate of protecting civilians. There was also the view that the support provided to FARDC by MONUC in implementing the mandate entrusted to it by the Security Council put the Mission in a difficult position and could potentially expose it to charges of association with serious violations of international humanitarian law committed by elements of FARDC. Some human rights organizations called for a suspension of the military operation to permit a reconsideration of the current strategy and the nature of the Mission's support for FARDC, while other national and international stakeholders maintained that Kimia II was making progress on the military front and that the current operations should continue, with MONUC support, until the threat posed by FDLR was neutralized.

10. MONUC continued to press the Government to take concrete action against impunity within FARDC and, by providing rations and logistical support to the troops involved in Kimia II, continued to help prevent 16,000 troops from living off the population. In addition to President Kabila's declaration in July that there would be reinforced implementation of a "zero-tolerance" policy regarding abuses and violations by FARDC, as a result of the advocacy of MONUC, the Mission provided support to the Military Prosecutor of the Democratic Republic of the Congo in investigating crimes committed by FARDC personnel.

11. Since September, MONUC and FARDC have conducted planning for the next phase of the operations against FDLR, which has yielded the development of an updated joint operations directive. Under the directive, the military operations in the next phase are expected to concentrate on a "clear, hold and build" strategy. This

implies a shift to limited, jointly planned military operations that will focus on clearing identified areas in which FDLR elements are attempting to regroup and on the group's remaining leadership; holding the cleared key areas; and assisting the Congolese authorities in establishing legitimate, credible and civilian State authority in areas from which FDLR has been dislodged, including building the necessary institutional capacities and infrastructure under the United Nations Security and Stabilization Support Strategy. The next phase foresees the eventual demilitarization and control of mining areas.

12. With regard to FARDC indiscipline, MONUC developed a policy paper setting out the conditions under which the Mission can provide support to FARDC units, which was transmitted to the Government of the Democratic Republic of the Congo and entered into effect in November. The policy specifies that MONUC will not participate in or support operations with FARDC units if there are substantial grounds for believing that there is a real risk that such units will violate international humanitarian, human rights or refugee law in the course of the operation. MONUC will also participate in or support only those operations that fully comply with international humanitarian, human rights and refugee law, and will participate only in operations that are jointly planned.

13. On the basis of the policy, MONUC will immediately intercede with the FARDC command if the Mission has reason to believe that elements of a unit receiving its support is committing grave violations of human rights, international humanitarian law or refugee law, and it will suspend support for a unit if FARDC takes no action against those responsible or if the elements of the unit nevertheless continue to commit violations. Both the military and human rights components of MONUC will closely monitor FARDC conduct and the application of this conditionality policy. Furthermore, I have decided to send a mission to the Democratic Republic of the Congo, led by the Department of Peacekeeping Operations, to assess the policy and related issues.

14. Those steps will be taken in conjunction with the non-military measures foreseen under the multidimensional strategy to deal with FDLR, as outlined in paragraph 51.

15. There also continued to be major challenges to FARDC integration, with respect not only to former members of the Congrès national pour la defense du peuple (CNDP), who maintained a parallel chain of military and political command and control over a number of mining areas, but also to all groups newly integrated into FARDC. This was due in part to the failure of the Government to make progress on the implementation of the political aspects of the 23 March Agreements between the Government and Congolese armed groups, and the issues connected to rank and status within FARDC. It was due also to the lack of progress in the area of security sector reform, including training and vetting, inconsistent payroll and salary arrears with respect to FARDC and difficulties in supplying and communicating with units deployed in the hinterland. Unless those issues are resolved, the lack of accountability and weak command and control within FARDC will continue to pose serious challenges.

16. Limited progress was achieved in the implementation of the 23 March Agreements. During the reporting period, mechanisms for assisting the war-wounded, widows and orphans were established. However, key provisions of the Agreements, including the integration of elements from the armed groups into

national political life, remained unimplemented. In addition, there were continued delays regarding the establishment of community reconciliation initiatives and support structures for returning internally displaced persons and refugees. On 10 November, Désiré Kamanzi, President of CNDP, announced his resignation, citing concerns regarding the Government's delay in implementing the Agreements. The Government has indicated its intention to hold in mid-December a final meeting of the national committee on follow-up to the 23 March Agreements.

Orientale province

17. Rudia II, the operation led by FARDC against the Lord's Resistance Army (LRA), continued, in cooperation with the Uganda People's Defence Forces and with logistical support from MONUC. Although there was an improvement in the security situation in parts of Orientale province, LRA attacks against civilians continued, including reported executions, abductions and sexual violence.

18. Since September, MONUC has received reports that 83 civilians have been killed by LRA, and in October humanitarian partners reported 21 attacks in Haut and Bas Uélé. In addition, local authorities of the Democratic Republic of the Congo reported an increase in undisciplined behaviour by FARDC elements following the replacement of FARDC Republican Guard units with the newly integrated FARDC units in the context of the Rudia II operations. However, on 3 November, in a significant development, Colonel Charles Arop, who had commanded LRA operations in Haut Uélé at the time of the Christmas 2008 massacres committed by LRA, surrendered.

19. An estimated 270,000 people were displaced in Haut and Bas Uélé at the time of reporting. Between September and October, the displaced population increased from 15,800 to 26,600 in Ango territory, in Bas Uélé, although improved security led to the return of more than 35,000 displaced people to Dungu and Faradje territories, in Haut Uélé.

20. Since my previous report, MONUC has reinforced its installations in Dungu in order to support its bases in Isiro, Dingila, Duru and Faradje. MONUC has also continued to provide escorts and security in support of the delivery of humanitarian assistance. In addition, Radio Okapi has begun broadcasting in Dungu and Faradje territories, which have contributed to the surrender of several isolated LRA elements.

21. In Ituri district, where some 175,000 people remain displaced — although the remnant armed groups Forces de résistance patriotique d'Ituri and Front populaire pour la justice au Congo continued to mount sporadic attacks from strongholds in southern Irumu — FARDC was able to maintain control of the militia bases captured in the context of Operation Iron Stone. Political efforts initiated by national and provincial authorities with the support of MONUC, aimed at ending the conflict in southern Irumu, also continued.

Equateur province

22. On 29 October in Equateur province, disputes between armed villagers of the Lobala community and other communities in the Dongo area, related to fishing rights, resulted in the killing of an estimated 47 *police d'intervention rapide* and the consequent displacement of some 36,000 people to the Republic of the Congo and

approximately 14,000 within Kungu territory of the Democratic Republic of the Congo. A special commission including Government and National Assembly representatives was established and deployed to the area to prevent further violence. The *police d'intervention rapide* also reinforced their presence in the town, and an inter-agency mission was sent to assess the humanitarian situation. However, additional clashes were reported in November up to the time of the submission of the present report. It was estimated that more than 100 people had been killed since the beginning of the clashes.

23. On 13 November, following elections organized in Equateur province by the Commission Electorale Indépendante, the former Mouvement pour la libération du Congo (MLC) Governor of Equateur, who had been dismissed by the Supreme Court on charges of embezzlement, was replaced by an independent candidate, Jean-Claude Baende. Equateur was the only remaining province under the leadership of the opposition MLC party.

Activities of the Special Envoy

24. During the reporting period, my Special Envoy on the Great Lakes Region, Olusegun Obasanjo, continued to encourage the Government of the Democratic Republic of the Congo to accelerate the implementation of the 23 March Agreements. He also met with President Kabila, on 17 October, and with Presidents Kagame and Dos Santos, individually, on 27 October. Each of the three leaders shared his views regarding the consolidation of the positive political developments in the eastern part of the country and of the improved relationship between the Democratic Republic of the Congo and Rwanda.

25. In view of the success achieved in substantially meeting the objectives of his mandate, and further to consultations with President Kabila, the Special Envoy proposed to step back from direct engagement in facilitating the peace process in eastern Democratic Republic of the Congo after submitting a final report to the African Union and the International Conference on the Great Lakes Region in early 2010. However, the Special Envoy and his co-facilitator, former President Benjamin Mkapa, remain available in the event of a serious deterioration in the political situation in eastern Democratic Republic of the Congo and the Great Lakes region. Special Envoy Obasanjo also proposed that his Special Adviser, General Sumbeiywo, and the small support office in Nairobi continue their functions until mid-2010.

Regional relations

26. While improved relations between the Democratic Republic of the Congo and neighbouring Great Lakes countries continued to deepen, relations between the Democratic Republic of the Congo and Angola experienced some strain, owing to a maritime border dispute and mutual expulsions of each other's nationals. On 11 May, the Democratic Republic of the Congo submitted to me information indicative of the outer limits of its continental shelf beyond 200 nautical miles. In a letter dated 31 July addressed to me, the Government of Angola rejected the position of the Democratic Republic of the Congo and expressed its readiness to resolve the matter through relevant international legal mechanisms.

27. Since December 2008, more than 160,000 Congolese have been expelled from Angola. On 2 October, the Democratic Republic of the Congo expelled 68 Angolans

from Bas-Congo, which was followed on 6 October by another 1,867 expulsions. An estimated additional 20,000-40,000 Angolans residing in the Democratic Republic of the Congo faced deportation. On 12 and 13 October, following a visit to Kinshasa by the Angolan Vice-Minister for External Relations, the two countries issued a joint communiqué officially suspending the expulsions by both countries and established a bilateral process for addressing cross-border migrant issues. They also agreed on reconvening the bilateral Angola-Democratic Republic of the Congo Mixed Commission in Luanda.

28. On 24 October, President Kabila chaired the Fourteenth Summit of the Economic Community of Central African States, which launched a regional centre for maritime security in Central Africa.

Protection of civilians

29. MONUC continued to take important innovative measures to protect civilians from attacks by illegal armed groups and FARDC elements, and this had a significant impact on the lives of thousands of Congolese. The Mission investigated reports of human rights violations in order to take preventive action, within its limited resources.

30. Since the beginning of Kimia II, MONUC has fielded more than 65 Joint Protection Team missions to more than 25 locations, including 10 during the reporting period, in order to augment the capacity of the MONUC military component to anticipate and prevent attacks on the population. In addition, MONUC has established more than 50 temporary operating bases and company operating bases throughout the Kivus, aimed at ensuring its presence near vulnerable population centres. The Mission has also continued to patrol key axes to facilitate the safe delivery of humanitarian assistance, and has provided armed escorts on market days to ensure that villagers can travel to and from the marketplace.

31. MONUC continued to actively assist FARDC and the Police nationale congolaise (PNC) in combating impunity, by providing operational support to authorities of the Democratic Republic of the Congo with a view to conducting investigations into allegations of human rights violations. The Mission also deployed a joint investigation team to follow up on allegations of human rights violations by FARDC and PNC. On 23 October, in the context of the Government's "zero-tolerance" policy, the FARDC commander of operation Kimia II issued a directive on the formation of joint FARDC-MONUC commissions of inquiry to verify reported FARDC violations in the Kivus.

32. On 1 November, MONUC suspended its support for a FARDC unit found by the Mission to have targeted and killed at least 62 civilians, including women and children, between May and September in the Lukweti area, in North Kivu. Investigations conducted by other human rights organizations indicate that as many as 270 civilians may have been killed over this period.

33. A United Nations system-wide strategy on the protection of civilians was developed during the reporting period to coordinate responses to this key priority. The key elements of the strategy include: (a) harmonizing the gathering and analysis of data and analysing the impact of military operations against civilian populations; (b) anticipating, preventing and mitigating protection risks to civilians, including internally displaced persons; (c) establishing accountability mechanisms for

combating impunity through regular monitoring and public reporting on violations, and by improving access to assistance, justice, rehabilitation and redress for victims; and (d) promoting the rule of law, building the capacity of the military justice system and supporting the restoration of State authority and the implementation of durable solutions, including within the framework of the United Nations Security and Stabilization Support Strategy.

United Nations Security and Stabilization Support Strategy

34. Important progress was achieved in supporting the Government's Stabilization and Reconstruction Plan for War-Affected Areas within the framework of the Strategy. In South Kivu, the United Nations Development Programme (UNDP) and the International Organization for Migration (IOM) continued to rehabilitate accommodation facilities in order to garrison approximately 3,000 FARDC elements at Camp Saio. Two additional garrison sites were evaluated, in Nyamunyunyi and Nyangezi, South Kivu. MONUC will evaluate, jointly with FARDC, the United Kingdom Department for International Development, IOM and the European Union Mission of Assistance for Security Sector Reform, a total of 25 proposed sites in eastern Democratic Republic of the Congo. In addition, more than 30 State buildings, including police stations, courts, prisons and local administrative offices, were under construction in the Kivus and Ituri, with completion expected in early 2010. Road and bridge rehabilitation efforts continued, including the completion of the rehabilitation of the Ituri I bridge and the commencement of work on the Bukavu-Shabunda road by the United Nations Office for Project Services and MONUC military engineer contingents.

35. On 22 October, the steering committee for the Stabilization and Reconstruction Plan for War-Affected Areas held its first meeting, which launched joint coordination structures at the national, regional and provincial levels. The steering committee also approved the Priority Plan for the Democratic Republic of the Congo, which will determine the allocation of the $20 million from the Peacebuilding Fund. On 6 November, Prime Minister Muzito and my Special Representative co-chaired the first meeting of the joint Government-United Nations funding board of the Stabilization and Recovery Funding Facility, which will, inter alia, support the implementation of the Plan and the Strategy. The funding board, which includes the participation of the country's Minister of Planning, Plan Coordinator Abbé Malu Malu, two United Nations agencies, 12 contributing donors and the United Nations Stabilization Support Unit, will oversee a current allocation of approximately $32 million, including the funds from the Peacebuilding Fund and pledges of $2.7 million and €6 million to €10 million from the Netherlands and Belgium, respectively, earmarked for sexual violence, in addition to the $139 million currently programmed within the framework of the Strategy.

Illegal exploitation of natural resources

36. Within the framework of the United Nations Security and Stabilization Support Strategy, the Government, MONUC and partners agreed to establish, as a pilot project, five trading counters in North and South Kivu to bring together all State services involved in the ore business, in order to improve traceability and provide counters closer to mining areas. In October, MONUC and the country's Ministry of Mines organized joint missions to visit key mining sites in order to assess the

security situation. In addition, MONUC and PNC continued to carry out random checks at Goma and Bukavu airports.

Humanitarian situation

37. At the time of reporting, it was estimated that more than 2 million people remained displaced throughout the Democratic Republic of the Congo.

38. In North Kivu, despite improved security in Masisi and Rutshuru territories, humanitarian operations in the province, estimated to be providing services for 70 per cent of the affected population, were severely restricted by the security situation. During 2009, there have been 125 attacks on humanitarian actors in North Kivu, including three murders, committed mainly by criminal gangs. In South Kivu, 25 attacks, including one murder, have been recorded.

39. In South Kivu, the security situation prompted the displacement of populations to areas perceived to be safer, including Shabunda, Kalehe, Uvira and Fizi territories. Access to identified and potential beneficiaries was also reduced in areas in those territories, including as a result of poor road conditions. In Haut and Bas Uélé territories, humanitarian access to affected populations beyond the Dungu area remained a challenge owing to minimal road infrastructure and volatile security conditions.

Human rights situation

40. The human rights situation deteriorated significantly during the reporting period, including as a result of the ongoing military operations in conflict-affected areas, as shown by the Mission's preliminary investigation into events that had taken place in Lukweti, North Kivu. These concerned violations of the right to life; violations of the right to physical integrity, including sexual violence; and violations of the right to liberty and security of person. Of particular concern was the significant number of violations committed by FARDC, including by newly integrated elements. Serious human rights violations were also committed throughout the country by PNC elements during the reporting period.

41. Between 5 and 15 October, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions visited the Democratic Republic of the Congo. He expressed his view that, from a human rights perspective, Kimia II had produced "catastrophic results". The Special Rapporteur made six key recommendations aimed at tackling impunity in the country and underscored the need for reform of the penitentiary system and for the removal of key members of the military alleged to have committed war crimes, crimes against humanity or other serious offences.

42. Exactions targeting human rights defenders and journalists throughout the country continued. On 21 September, Golden Misabiko, Chair of the Association africaine de défense des droits de l'homme in Katanga, was convicted on the basis of limited evidence of having deliberately spread false reports and was sentenced to one year of imprisonment, of which eight months were suspended. Following the issuance of a communiqué in which he had condemned alleged inhumane working conditions in a company in Bas-Congo, Robert Ilunga Numbi, Chair of the non-governmental organization Les Amis de Nelson Mandela pour la défense des droits de l'homme, was detained for one month. Before he was provisionally

released, on 1 October, the charges against him included incitement to rebellion and defamation. On 17 November, the Mission's human rights component released a report on the appeal proceedings related to the assassination of Serge Maheshe, a Congolese journalist killed on 13 June 2007. The report highlighted the plight of human rights defenders, including journalists, as well as the poor functioning of the justice system.

43. On 30 October, despite appeals by several human rights organizations and other international partners encouraging the Government of the Democratic Republic of the Congo to take action with regard to the arrest of Bosco Ntaganda, against whom an arrest warrant had been issued by the International Criminal Court on the basis of crimes allegedly committed in Ituri in 2002 and 2003, the Government spokesperson reiterated the Government's position ruling out his arrest and transfer to the Court at that stage. The Government, however, also repeated, further to its letter dated 27 May to MONUC, its confirmation that Ntaganda did not exercise command functions within FARDC, including in the context of Kimia II, despite reports to the contrary that had continued to surface. MONUC has made it clear to the Government that there would be significant legal obstacles to its participation in or support of an operation in which Bosco Ntaganda were to play a prominent role.

Economic and financial situation

44. The economic situation improved during the third quarter of 2009 as a result of an increase in key commodity export prices. However, inflation peaked in October at a rate of 50.8 per cent, driven both by the budget deficit and by an increase in domestic demand. On 10 October, the Government presented to the National Assembly the 2010 budget, totalling approximately $5.3 billion, 50 per cent of which was based on projected spending by donors. The obstacles to the achievement of the completion point of the Heavily Indebted Poor Countries Debt Initiative were lifted following the renegotiation of China's bilateral agreement with the Democratic Republic of the Congo on mining and infrastructure investments, paving the way for the completion of the debt relief process in 2010.

Institutions of Government and Parliament

45. During the most recent ordinary session of the National Assembly, a motion of no confidence against Prime Minister Muzito was presented by the opposition parties in Parliament, based on claims of financial mismanagement and a perceived lack of effective results on the part of his Government. The National Assembly rejected the motion on 17 October.

46. Progress regarding the adoption of key outstanding legislation remained slow. Although Parliament began its seventh regular session on 15 September, key pending issues remaining on the agenda included the adoption of the 2010 national budget and laws relating to the elections, the decentralization process, army reform and the national judicial architecture.

47. On 23 September, in a development criticized by a number of national actors and international observers, the President of the Senate confirmed that the Senate had been requested to nominate two members to participate in an ad hoc commission to develop recommendations on reform of the Constitution. The commission is reportedly reviewing the duration and number of presidential terms,

the membership of the President in the *Conseil Supérieur de la Magistrature* and provisions pertaining to the decentralization process.

III. MONUC mandate implementation

48. On 24 November, at a meeting in Kinshasa with the ambassadors of the Southern African Development Community, the permanent members of the Security Council and MONUC, President Kabila denied rumours that he had requested the immediate drawdown of the Mission. However, the President requested the United Nations system in the country to submit a proposal, including a calendar, for a progressive drawdown, preferably commencing by 30 June 2010, based on the evolution of the security situation in the country. The calendar and the modalities of the drawdown will be mutually agreed upon between the Government and the United Nations.

Development of the Integrated Strategic Framework

49. MONUC and the United Nations country team began the development of an overarching strategy for the United Nations system in the Democratic Republic of the Congo in the form of the Integrated Strategic Framework. The Framework, which is expected to be finalized in early 2010 in consultation with the Government and key stakeholders, will include a shared vision of the Organization's objectives and a set of agreed results, timelines and responsibilities for tasks critical to the consolidation of peace. The Framework will incorporate the United Nations system-wide strategy for the protection of civilians and a multidimensional strategy for addressing the issue of FDLR. It will also take into consideration a plan for the successful completion of military operations against FDLR, LRA and the residual armed groups in Ituri, as well as for security sector reform; an outline of the United Nations Security and Stabilization Support Strategy, including additional resources required; and a plan for supporting local elections. The Framework will also incorporate the plan to implement the comprehensive strategy on combating sexual violence in the Democratic Republic of the Congo.

50. In the preparation of the Framework, a senior management workshop was held in Kinshasa on 3 September, during which the United Nations system defined common strategic objectives and priorities for the period 2010-2012. The workshop was followed by the composition of technical working groups organized around thematic pillars, involving relevant components of MONUC and the United Nations country team at the working level.

Multidimensional approach to address FDLR

51. In parallel to the ongoing military operations against FDLR, the United Nations developed a multidimensional strategy, including non-military actions, for addressing the security threat posed by FDLR. These include: (a) encouraging and assisting the Democratic Republic of the Congo and Rwanda in defining an end state for the resolution of the FDLR issue; (b) encouraging Member States to take the necessary legal actions against the group's leadership residing in their countries, including through the effective implementation of the Democratic Republic of the Congo sanctions regime and the prosecution of sanction violations; (c) enhancing disarmament, demobilization, repatriation, resettlement or reintegration efforts,

including through an information campaign, which should involve the Democratic Republic of the Congo, Rwanda and MONUC; (d) exploring further measures that could be considered in order to promote the voluntary return and durable socio-economic integration of non-*génocidaire* FDLR rank and file; and (e) supporting the extension of State authority and a sustained security presence in areas from which FDLR elements have been dislodged.

MONUC reconfiguration and deployment of additional capabilities

52. Progress was made during the reporting period in deploying the pledged additional capabilities authorized by resolution 1843 (2008). In addition to one Belgian C-130 aircraft deployed in June, two infantry battalions from Bangladesh and Egypt and two special forces companies from Egypt and Jordan arrived and will be operational in eastern Democratic Republic of the Congo by the end of the year, along with one formed police unit from Bangladesh. Those deployments brought the total number of pledged personnel deployed to the Democratic Republic of the Congo to approximately 2,050, out of the authorized 3,085.

53. Of the remaining pledged additional capabilities, one engineer company from Bangladesh, two helicopters from Uruguay and one newly pledged helicopter from Bangladesh are scheduled to arrive in the Democratic Republic of the Congo by the end of January 2010. The deployment of 200 trainers from Tanzania is expected by the end of the year, pending the finalization of support capability arrangements. A third helicopter from Uruguay is expected to be deployed by June 2010. While 13 pledged intelligence officers will be deployed to the Democratic Republic of the Congo by the end of the year, the deployment of an additional 37 specialists is awaiting the commitment and deployment of additional equipment. In addition to the critical needs in this area, there have been no pledges thus far for one C-130 aircraft and 14 utility helicopters.

54. The deployment of the additional capabilities is expected to enhance the Mission's capacity to protect civilians, including by increasing the number of locations where it can deploy and redeploy forces as necessary to ensure its presence in the most vulnerable areas, and by significantly enhancing the Mission's reserves and its rapid reaction capacity.

55. In this regard, the two special forces companies, together with the existing Guatemala special forces company, are currently deployed in North Kivu, South Kivu and Ituri. They are expected to reinforce the information-gathering and response capability of MONUC in those areas and, once the additional requested air assets have been deployed, will operate throughout the Mission's area of operation at short notice. The enhanced special forces capability of MONUC will also provide options for more focused actions.

56. The Egyptian battalion deployed in South Kivu will complement the Uruguayan battalion in North Kivu to provide the force with an operational reserve throughout the Democratic Republic of the Congo. Once supported with adequate mobility assets, particularly helicopters, these battalions will be able to concentrate forces where needed and at short notice.

57. The Tunisian battalion based in Kinshasa will be redeployed to Bas Uélé territory in the coming months. In addition, the newly deployed Bangladeshi

infantry battalion replaced the Pakistani battalion in Ituri, which will complete its relocation to South Kivu to reinforce the Pakistani brigade by the end of the year.

58. Given the displacement of a number of FDLR elements to Orientale, Maniema and Katanga provinces, MONUC consolidated the Senegalese battalion in Kisangani to support monitoring operations in Maniema and in the Maiko forest, which stretches into Orientale province, while a platoon from Benin was redeployed to northern Katanga in support of FARDC preventive deployments there.

59. Furthermore, an additional formed police unit from Bangladesh was deployed to South Kivu during the reporting period, and a unit from Egypt is expected to be deployed in the coming months. These units are tasked with reinforcing the operational capacity of PNC units in eastern Democratic Republic of the Congo and will participate with PNC in joint protection teams, joint investigation teams and joint patrolling of key axes. The two formed police units will also provide training for PNC elements on public order management and crowd control techniques.

Handover of MONUC tasks in western Democratic Republic of the Congo

60. In its resolution 1856 (2008), the Security Council requested me to present recommendations on the progressive handover of tasks listed in paragraph 4 of the same resolution from MONUC to the United Nations country team and bilateral and multilateral donors, in order to enable the Mission to concentrate its efforts on eastern Democratic Republic of the Congo. A Technical Assessment Mission that had visited the country last March had developed proposals for the progressive handover of tasks over a period of 6 to 24 months, on which I reported to the Council in my report of 27 March (S/2009/160).

61. During the reporting period, limited progress was achieved regarding the handover of tasks from MONUC to the United Nations country team. The team continued to outline two main concerns in this regard. First, donor pressure and needs in eastern Democratic Republic of the Congo had continued to result in a concentration of some 83 per cent of the team's financial and human resources in the east, thus limiting the possibilities for agencies, funds and programmes to mobilize the capacities necessary to assume relevant tasks currently performed by MONUC in the west. Secondly, the team continued to rely heavily on MONUC assets for mobility and accessibility, as well as for the provision of local security.

62. Satisfactory progress has been made towards concentrating the Mission's capacities in the east. Once the transfer of the Tunisian battalion to Bas Uele (referred to in paragraph 57 above) has been completed, MONUC will have deployed more than 98 per cent of its military component to eastern Democratic Republic of the Congo. Of the Mission's authorized strength of some 19,800 troops, approximately 460 will remain in the west, in addition to the staff at force headquarters and a limited number of military observers in key locations. Of the seven formed police units in MONUC, two will remain in the western provinces and three in Kinshasa. On the civilian side, less than 9 per cent of MONUC staff was deployed in the western provinces, outside Kinshasa and eastern Democratic Republic of the Congo.

63. The redeployment of most of the remaining civilian and logistical capacity in the west will be guided by the Integrated Strategic Framework. The Framework will provide the platform necessary for the joint advocacy effort needed to raise

resources for transition activities and the build-up of the United Nations country team in provinces in which MONUC is drawing down. In order to ensure a gradual transfer from stabilization to recovery activities, it is proposed that relevant parts of the Framework be funded through a coordinated funding mechanism, using the Stabilization and Recovery Funding Facility.

Rule of law

64. Military justice continued to be reinforced during the reporting period, although concerns regarding due process remained with respect to the extraordinary jurisdictions established in the Kivus, including the military operational court. Those jurisdictions have conducted more than 30 prosecutions against soldiers accused of serious crimes, including rape and war crimes, and have handed down severe sentences, including the death penalty, on which the Democratic Republic of the Congo has imposed a moratorium. While these mechanisms have contributed to discipline within FARDC, there continued to be serious doubts regarding their legal basis and their compliance with fair trial standards, particularly since they do not contemplate a right of appeal.

65. The five senior FARDC officers accused of having committed acts of sexual violence that were raised with President Kabila during the visit of the Security Council mission to the Democratic Republic of the Congo in May, were removed from operational command positions within the army but have yet to be prosecuted. According to the Government, Colonels Safari and Mobuli are in pretrial detention in Kinshasa. General Kakwavu and Colonel Mosala are under controlled supervision in Kinshasa. Major Pitchen is reported to have fled. MONUC continued to follow up, offering support to the country's Military Prosecutor with a view to conducting relevant investigations in order to bring the five alleged perpetrators to justice.

66. MONUC deployed technical staff to initiate the pilot prosecution support cell in North Kivu. The team, which will include two military police investigators and two police investigators, will provide support to Congolese prosecutors and investigators in bringing to justice FARDC elements suspected of having committed rape and other serious offences. Additional teams are foreseen for South Kivu, Ituri, Maniema and Katanga.

67. The civilian justice system remained handicapped by a lack of human and financial resources. The *Conseil Supérieur de la Magistrature* continued to operate without a budget, impeding the exercise of its responsibilities, including those related to the accountability of judges. This was compounded by systemic deficiencies, including with respect to the maintenance of criminal records.

68. In cooperation with the country's Attorney-General, MONUC began preparations for an inspection mission aimed at reducing prison overcrowding caused by excessive pretrial detention. The Mission supported training for guards at eight major provincial prisons, rehabilitated six incarceration facilities and implemented a number of smaller-scale projects aimed at creating infirmaries, improving security and providing electric power and clean water to prisons. MONUC also assisted in the establishment or expansion of prison gardens and farms in several facilities, in Katanga, Equateur and North Kivu provinces. In addition, MONUC actively engaged national authorities to promptly deploy judicial and corrections personnel in North Kivu, South Kivu and Ituri. Nonetheless, riots, escapes and deaths due to starvation and dire prison conditions remained

commonplace, and the absence of a functioning State prison system continued to affect security across the country.

Sexual and gender-based violence

69. Rape and other forms of sexual violence remained a matter of serious concern, and victims of such violence continued to face enormous difficulties. Expensive judicial fees, amicable settlements, threats against victims and ignorance of the law on the part of PNC and some victims also hindered the fight against impunity.

70. On 1 November, MONUC and the United Nations country team finalized the plan for the implementation of the comprehensive strategy on combating sexual violence. Joint coordination mechanisms with the Government on sexual violence were revised and streamlined through the creation of a special window on sexual violence within the Stabilization and Recovery Funding Facility and mechanisms for supporting the implementation of the plan.

71. MONUC and partners provided training on specialized sexual-violence judicial procedures to 891 FARDC officers, as well as to judges, lawyers and detention personnel. In addition, the Mission supported the creation of specialized sexual and gender-based violence units within PNC in all provinces of the country. In collaboration with the United States Agency for International Development, MONUC also developed a concept for the establishment of anti-sexual-violence cells and for the training of 400 PNC officers in Ituri district.

72. With regard to victim support, MONUC continued to carry out the capacity-building and mentoring of paralegals, non-governmental organizations and bar associations providing legal assistance to survivors, and facilitated victims' access to justice. Those efforts were complemented by the provision of medical assistance to survivors, including emergency post-exposure prophylaxis, emergency maternal care and HIV/AIDS treatment, by relevant United Nations agencies. In addition, activities on the prevention of sexual violence, targeting communities and ensuring that self-protection measures were in place were conducted by United Nations agencies and non-governmental organizations.

Child protection

73. MONUC and partners continued to advocate the release of children within FARDC. Since the beginning of the year, MONUC has facilitated the release of 2,284 children from the force. Together with partners, MONUC continued to follow up with FARDC on the development of an action plan to prevent the recruitment and use of children by the force and to facilitate their release.

Security sector reform

74. Lack of progress in the critical area of security sector reform remained a major concern during the reporting period.

Army

75. As indicated earlier, unvetted and poorly equipped, trained and sustained FARDC troops continued to commit serious human rights violations. The situation was further aggravated by the irregular payment of salaries and allowances, by a lack of barracks and family support and, in some instances, by ethnic agendas

carried forward by newly integrated armed group elements. The incomplete integration of the Congolese armed group elements into FARDC and the challenges that had emerged in that regard were also a major factor affecting progress with respect to reform of the army. However, the European Union Mission of Assistance for Security Sector Reform completed a census of 17,587 armed group elements newly integrated into FARDC, which was an important step towards the establishment of a system for ensuring the regular payment of those elements. In addition, MONUC began to develop mechanisms for ensuring that FARDC soldiers implicated in serious human rights violations would not participate in the MONUC "main training project plus", which is expected to start in January 2010.

76. During the reporting period, Parliament reviewed three draft organic laws, pertaining to reform of FARDC, the Supreme Defence Council and the status of FARDC military personnel. Those laws included a number of areas of concern, including with respect to a lack of precision regarding the roles, responsibilities, size and capacities of the force components. However, they also contained important language on preventing the misuse and ill-discipline of FARDC.

77. MONUC took steps towards leading coordination among international partners on security sector reform. On 23 September in Kinshasa, MONUC hosted the first ambassadorial-level meeting on such reform, which brought together a range of key international partners. Participants agreed to hold regular senior- and technical-level meetings on security sector reform under the Mission's leadership in order to facilitate improved coordination and the development of a common vision in support of national efforts in this area.

Police

78. Cooperation with the European Union Mission of Assistance for Security Sector Reform and the European Union Police Mission in the Democratic Republic of the Congo was strengthened through the establishment of weekly joint coordination meetings. In addition, on 26 October the fourth session of the Police Reform Monitoring Committee adopted a three-year priority action plan and a 15-year action plan for police reform. However, the plans have yet to be approved by the Government, and the adoption of the organic law that will provide the legal framework required for reform of the police remained pending. In November, the Police Mission began the PNC census operation, in coordination with the United Nations police.

79. Separately, as part of the United Nations Security and Stabilization Support Strategy, MONUC supported the deployment of some 300 PNC elements to seven police stations in North Kivu and of another 480 to targeted areas in South Kivu and Ituri. A total of 120 border police were also deployed. In addition, MONUC provided special training on defensive tactics to the PNC units deployed along the Rutshuru-Ishasha axis, in North Kivu.

80. MONUC further supported the deployment of 1,500 *police d'intervention rapide* officers in North and South Kivu and Haut Uélé. In order to accommodate those elements, the Mission established temporary camps in Rutshuru, Baraka, Fizi, Kanyola, Walungu and Bitale.

81. MONUC and UNDP, in collaboration with the Japan International Cooperation Agency, continued to implement a training programme for 6,200 PNC officers in

Kinshasa, Bas-Congo, North Kivu and Orientale provinces. The programme includes the rehabilitation of police training centres in Kinshasa, Bas-Congo and Orientale provinces. One hundred PNC officers were also trained to conduct humanitarian escort duties.

82. On the basis of an initial list of some 2,067 CNDP Mayi Mayi elements, 1,425 elements reported for integration into PNC. The remainder were expected to register in the coming weeks. Once screened for human rights violations, selected elements will be trained by MONUC for integration into PNC. However, the Mayi Mayi groups have claimed that an additional 4,695 elements await such integration.

Disarmament, demobilization, repatriation, resettlement or reintegration and disarmament, demobilization and reintegration

83. In addition to the 1,870 Rwandan ex-combatants, including FDLR elements, and 1,994 dependants repatriated to Rwanda since January, MONUC has repatriated 93 combatants to Burundi and Uganda and 21 to the Central African Republic and the Sudan since January.

84. Since my previous report, more than 6,027 ex-combatants have been demobilized as part of the second phase of the Programme national de désarmement, démobilisation et réinsertion, while more than 7,506 elements have chosen to integrate into the army. While the World Bank financing of $50 million for the Programme is scheduled to close in June 2010, with ex-combatants receiving their benefits by December 2009, the African Development Bank contribution of $22.5 million to the Unité d'execution du programme national de désarmement, démobilisation et réinsertion will close in December 2010. Approximately 30 per cent of that amount is earmarked for individual reinsertion programmes, while the remaining $16.4 million has been allocated for collective reinsertion programmes, including the creation of 10 pilot agricultural farms. In addition, MONUC has secured $4 million for a disarmament, demobilization and reintegration programme to address some 3,500 armed group elements that were unable to participate in the Programme.

Mine action

85. The United Nations Mine Action Coordination Centre continued to concentrate its mine action efforts in eastern Democratic Republic of the Congo, including with respect to the coordination of surveys, the clearance of mines/explosive remnants of war, and mine risk education activities. Representatives of the Ministries of the Interior and Defence were integrated into the Centre to build national mine action capacity, and the national mine action law was included in the current agenda of the National Assembly. On 10 November, 7,471 square metres of land cleared of mines in Motondo, Katanga, was handed over to local authorities and communities for planned agricultural projects expected to benefit some 2,000 people.

Elections

86. In September, the Independent Electoral Commission completed the voter registration update in Kinshasa, in which it issued approximately 1.4 million new voter cards. However, the launch of the voter registration update in the other 10 provinces continued to be delayed, as the Government has yet to communicate to the Commission the official list of constituencies for the local elections. In addition, the

Government has yet to provide its share of funding for the process. On 25 November, President Kabila presided over an inter-institutional meeting with the Prime Minister, the heads of the two houses of Parliament, the head of the Supreme Court and the President of the Commission in Mbuyi-Mayi. During the meeting, the Government officially confirmed its commitment to the holding of local elections before general elections and indicated that a timetable in that regard would be issued before 10 December. However, accumulated delays made it unlikely that the local elections could be held before the end of 2010. This, in turn, cast doubt over the timely holding of the 2011 general elections.

IV. Financial implications

87. The General Assembly, by its resolution 63/291 of 30 June 2009, appropriated the total amount of $1,346,584,600, equivalent to $112,215,383 per month, for the maintenance of MONUC for the period from 1 July 2009 to 30 June 2010. Should the Security Council decide to extend the mandate of MONUC beyond 31 December 2009, the cost of maintaining the Mission would be limited to the amounts approved by the General Assembly.

88. As at 30 September 2009, unpaid assessed contributions to the Special Account for MONUC amounted to $340.9 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2,323.1 million.

89. As at 24 November 2009, the amount owed to troop and formed-police contributors totalled $43.1 million. Reimbursements of troop and contingent-owned equipment costs have been made for the period up to 31 August 2009 and 31 December 2008, respectively, in accordance with the quarterly payment schedule.

V. Recommendations and observations

90. Since my previous report to the Security Council, progress in areas critical to the stabilization of eastern Democratic Republic of the Congo has remained uneven. The continued improvement in the relations between the country and its neighbours is to be commended, and I encourage the Governments of the Democratic Republic of the Congo, Rwanda and Uganda to continue on this right path. I am encouraged by the positive signals that Presidents Kabila and Kagame have continued to send in that regard.

91. While Operation Kimia II against FDLR achieved significant military gains, it was accompanied by a high humanitarian cost, as outlined in the present report. The shift to a new phase of the operation is expected to reduce the impact on the civilian population while maintaining pressure on FDLR. Despite some limited progress with respect to the implementation of the Government's zero-tolerance policy within FARDC, some elements of the national army were responsible for very serious human rights violations. I urge the Government of the Democratic Republic of the Congo to redouble its efforts to prevent or address such unacceptable violations, and I call on its bilateral partners to provide capacity-building support for the country's military justice system.

92. The Mission's support for some 16,000 FARDC elements involved in Operation Kimia II in the Kivus, and for the FARDC troops involved in Operation Rudia II against LRA in the Uélés and in Operation Iron Stone in Ituri district, Orientale province, will continue on the condition that such support be withdrawn from FARDC units showing a blatant disregard for human rights, refugee or international humanitarian law. MONUC will continue to closely monitor FARDC conduct and the application of its policy on support for FARDC and, as in the case of Lukweti, will move speedily to suspend its support for any FARDC unit found to have committed violations of any of those bodies of law.

93. It is essential that urgent steps be taken to improve the protection of civilians, which, while it is the first priority of MONUC, is first and foremost the primary responsibility of the Government of the Democratic Republic of the Congo. With the support of the Mission and bilateral partners, the Government must take the measures necessary to transform FARDC into a protector of the Congolese people. Critical and urgent steps to address the status of FARDC in North and South Kivu, accompanied by the implementation of the new phase of operations and the non-military measures to deal with FDLR, outlined in paragraphs 11 and 51, respectively, will contribute significantly to the protection of civilians and to the overall security situation in the eastern part of the country. Such steps should include: assisting the Democratic Republic of the Congo and Rwanda in defining an end state for the resolution of the FDLR issue; encouraging Member States to take legal action against FDLR leaders residing in their countries, including through the effective implementation of the Democratic Republic of the Congo sanctions regime; enhancing disarmament, demobilization, reintegration and resettlement or repatriation efforts, including through an information campaign involving the Democratic Republic of the Congo, Rwanda and MONUC; exploring ways in which Rwanda can further promote the voluntary return and socio-economic integration of non-*génocidaire* FDLR members; supporting the extension of State authority in areas from which FDLR elements have been dislodged; and intensifying concerted efforts to professionalize FARDC.

94. The reported violations by FARDC elements highlight the importance of continuing to address the culture of impunity in the Democratic Republic of the Congo. I remain encouraged by emerging, albeit limited, progress in the area of military justice, including with respect to the extraordinary judicial mechanisms that have been established in the Kivus with the aim of taking action against FARDC elements that have committed human rights violations, including acts of sexual violence, in the context of the Kimia II operations. However, I reaffirm the need for the country's authorities to ensure that those mechanisms respect international standards, and I encourage their strict enforcement of the zero-tolerance policy within FARDC.

95. I welcome the removal from operational command positions of the five senior FARDC officers who were highlighted by the Security Council during its mission in May. This should be followed by relevant judicial steps to ensure that the five alleged perpetrators are brought to justice. MONUC stands ready to continue to support specific efforts in that regard, including through the prosecution support cells, which will support the investigation and prosecution of offenders.

96. I strongly urge the Governments of the Democratic Republic of the Congo and Rwanda to work together and to agree on a clear set of end-state objectives on the

FDLR question, as well as to cooperate with MONUC and other partners on the necessary and complementary non-military measures to attain those objectives.

97. In this context, I welcome the important steps taken by the Federal Republic of Germany to arrest Ignace Murwanashyaka, President of FDLR, and his deputy Straton Musoni. The renewed commitment of the European Union to the implementation of resolutions 1804 (2008) and 1857 (2008) and the adoption of concrete measures within the Union to tackle FDLR are also welcome. I encourage other countries in which FDLR diaspora members are known to be based to adopt similar stringent measures. These are critical to the effective neutralization of the group in eastern Democratic Republic of the Congo.

98. Alongside the efforts to address FDLR, the integration of the Congolese armed groups into FARDC continues to present a unique opportunity to bring stability to the Kivus. However, there are still major challenges to FARDC integration, with respect not only to former members of CNDP, who have maintained a parallel chain of military and political command in a number of areas, but also to all groups newly integrated into FARDC. I encourage the authorities of the Democratic Republic of the Congo to take concrete steps to address relevant concerns raised by the Congolese armed groups, including with respect to the attribution of ranks of the newly integrated elements, in order to secure the consolidation of the integration process. Ensuring salary payment and better training and equipping of troops, as well as providing barracks, are also critical. In this regard, I welcome the completion by the European Union Mission of Assistance for Security Sector Reform of a census of the newly integrated elements, which is an important step towards ensuring the regular payment of salaries. I urge the European Union Mission and its partners to sustain efforts to that end, in continued close collaboration with MONUC.

99. The implementation of the 23 March Agreements is also critical to ensuring the successful completion of the integration process. Some steps have been taken, including with respect to the transformation of CNDP and other Congolese armed groups into political parties; the establishment of mechanisms for the war-wounded, widows and orphans; and the release of political prisoners. Overall, however, progress has been slow. I urge all parties to the Agreements, particularly the Government of the Democratic Republic of the Congo, to accelerate the implementation of the commitments that they have undertaken, which will be important in ensuring that the long-suffering population of the eastern part of the country can enjoy the fruits of peace at last.

100. The continued attacks against civilians committed by LRA, now estimated to have no more than 100 members in the Democratic Republic of the Congo, is a source of continued concern. LRA now constitutes a regional threat, extending into the Central African Republic and the Sudan. There is a continued need to ensure a joint, regional response. The United Nations peacekeeping and special political missions in the area are taking measures to share information, conduct analysis and coordinate responses to the LRA challenges in their mission areas, including with relevant national security forces. I encourage the Security Council to consider taking steps to harmonize the mandates of the various affected missions in order to permit more concerted action, including in support of the protection of civilians.

101. However, a core guarantee of sustained stability in the Democratic Republic of the Congo will be reform of the security sector. Despite the efforts of the

Government and those of bilateral partners, including significant financial and technical support, there has been very limited tangible progress on reform of the Congolese security forces, most of which still comprise an amalgamation of inadequately trained former members of armed groups. It is my strong view that international partners now need to work together in a coherent manner to assist the Government in developing a plan for the support of security sector reform that would ensure that the resources they are investing in this programme are used in the most efficient and sustainable manner to build professional, sustainable, well-trained and well-equipped security forces capable of assuming internal and external security responsibilities in accordance with international norms. I believe that MONUC is best placed to play a coordinating role among international partners on security sector reform issues in support of nationally led initiatives.

102. As a first step towards the development of credible, professional and sustainable armed forces, the Government is encouraged to work with MONUC and its bilateral partners to build a small, well-vetted, multi-ethnic force of between 15,000 and 20,000 personnel, which the international community can help to train, equip and sustain, and which would progressively take over the Mission's security responsibilities in the conflict-affected areas of the country. Such a force, whose tasks, size, composition and structure could be jointly developed by the Government and its partners, could also assist the Government in fulfilling its ambition to progressively professionalize FARDC.

103. Furthermore, ensuring that rogue elements of FARDC do not replace FDLR is critical. In this context, continued efforts to support the extension of credible and legitimate State authority, particularly in eastern Democratic Republic of the Congo, are vital. The absence of a functioning State presence creates opportunities in the conflict-affected areas for the illegal exploitation of natural resources. Alongside the efforts in this regard being initiated by MONUC in collaboration with the country's authorities, it is critical to continue to support, as a matter of priority, ongoing efforts to restore State authority in areas from which FDLR has been dislodged and to re-establish or reinforce administrative, police, judicial and corrections institutions throughout the eastern provinces under the Government's Stabilization and Reconstruction Plan for War-Affected Areas and the United Nations Security and Stabilization Support Strategy.

104. I encourage Parliament to accelerate its deliberations, particularly with respect to the adoption of laws relating to the elections. At the same time, it will be important to maintain an appropriate balance between Parliament and the Executive in order to ensure a balance of power among the branches of government, as prescribed by the Constitution. In that connection, I encourage the Government of the Democratic Republic of the Congo to ensure the maintenance of democratic space in order to guarantee the consolidation of the multi-party democratic system foreseen in the Constitution.

105. The timely holding of local elections will be an important step in this regard. However, I am very concerned that the continued delays, the proposed changed methodology for voter registration and the Government's inability thus far to meet its commitments for the preparation of the local elections will affect the already delayed timeline. Further delays will also have an impact on the holding of the second national elections, which, in accordance with the Constitution, are to take place by 2011. Clearly, such an impact would be grave for the nascent democratic

culture in the Democratic Republic of the Congo, and I urge the Government to take a decision as soon as possible with regard to the local elections. I also encourage international partners to continue to support the Government's efforts in this respect, including with financial assistance.

106. During the past 10 years, MONUC has accompanied the Congolese people when they have achieved major milestones in their national history, including the implementation of the various agreements that reunited their country's territory, and the All-Inclusive Agreement, which brought about the transitional period. The Mission has supported the Democratic Republic of the Congo and its people during their first free and fair elections in 40 years, and has continued to contribute to the restoration of security, to reconstruction and to building the capacity of the State. With the exception of the Kivus and a number of pockets in Orientale province, the Democratic Republic of the Congo is now largely a country at peace and is ready, almost 50 years after its independence, to embark on the next critical reconstruction and rebuilding phase.

107. In recognition of these realities, MONUC and the Secretariat will, during the first quarter of 2010, engage with the Government of the Democratic Republic of the Congo in detailed discussions on the future direction and configuration of the Mission with a view to agreeing on the critical tasks that need to be accomplished with the support of MONUC and within the expected time frames before the Mission can begin its drawdown, without triggering a relapse into instability. The agreements to be reached with the Government will enable the United Nations system in the country to finalize its Integrated Strategic Framework, referred to in paragraphs 49 and 50. On that basis, I intend to present to the Security Council, in April 2010, recommendations on the reconfiguration of MONUC and on its possible future direction.

108. In the meantime, I would like to recommend that the Mission's mandate be extended for a six-month period, until 30 June 2010, at its current approved strength and configuration. This limited extension will permit the completion of the discussions with the Government referred to above. On the basis of the detailed recommendations to be submitted in my April report, the Security Council would then conduct a more careful review of MONUC with a view to developing, in June 2010, a new mandate that defines the Mission's future direction, including its military drawdown. During these six months, I recommend that the Mission's highest priority remain the protection of civilians. In addition, taking account of the challenges posed by the long list of tasks set out in resolution 1856 (2008), I propose that MONUC focus on the following over the next six months: (1) assisting the Government, in accordance with its policy on support for FARDC, outlined in paragraphs 12 and 13 above, in successfully and expeditiously completing large-scale military operations led by FARDC, which will be progressively concentrated on targeted military actions, as well as supporting non-military efforts to neutralize and repatriate foreign armed groups, in particular FDLR and LRA, and to neutralize residual Congolese armed groups; (2) supporting the extension of State authority, including by establishing basic administration and rule-of-law structures in areas freed from armed groups and in key mining areas, within the framework of the Government's Stabilization and Reconstruction Plan for War-Affected Areas and the United Nations Security and Stabilization Support Strategy, with a particular emphasis on support for the training and deployment of the national police, on enhancing rule-of-law capacity and on the rehabilitation of roads on priority axes;

(3) in parallel to supporting comprehensive security sector reform and the provision of urgent assistance to the national disarmament, demobilization and reintegration processes, playing a lead role in coordinating international security sector reform partners and assisting the Government in building effective rule-of-law capacity, including justice and corrections, and in working with the country's bilateral partners to support the vetting, training and professionalization of FARDC battalions and police units deployed in the east with a view to building a force that will progressively assume MONUC's current security responsibilities; (4) in accordance with the child protection provisions of resolution 1856 (2008) and of resolutions 1612 (2005) and 1882 (2009), on children and armed conflict, and in collaboration with relevant child protection partners, supporting the release of children from all forces and groups present in the Democratic Republic of the Congo and ensuring that children are given special attention in the implementation of disarmament, demobilization and reintegration programmes; (5) helping to accelerate the implementation of the 23 March Agreements with respect to the integration of the armed groups and to establish mechanisms for resolving local disputes arising from land and property issues, from the return of refugees and internally displaced persons and from ethnic tensions, as foreseen in the Agreements; (6) subject to further clarity from the Government, supporting preparations for local elections; and (7) supporting efforts by the Governments of the Great Lakes region to foster good-neighbourly relations, including through the International Conference on the Great Lakes Region and other regional mechanisms.

109. Finally, I would like to express my sincere gratitude and appreciation to all MONUC civilian, military and police personnel, who, under the leadership of my Special Representative, Alan Doss, have continued to show determination and selfless dedication under very difficult conditions in support of the Congolese people during another critical period in their history. I would particularly like to thank my outgoing Deputy Special Representative, Ross Mountain, who served the United Nations system with distinction for 36 years. I would also like to express my gratitude to my Special Envoy, former President Obasanjo, for his vital efforts in the region over the past year and to the United Nations country team and the humanitarian community, which are toiling to save lives under difficult conditions. My continued appreciation goes to countries contributing troops and police to MONUC and to their uniformed personnel, as well as to donor countries and multilateral and non-governmental organizations that are providing much-needed support in the Democratic Republic of the Congo.

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